

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

STATE OF OHIO,

Plaintiff,

:

Case No. 3:09-cv-99

- vs -

:

District Judge Walter Herbert Rice
Magistrate Judge Michael R. Merz

LARRY E. EALY,

:

:

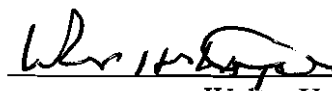
Defendant.

ORDER ADOPTING REPORT AND RECOMMENDATIONS

The Court has reviewed the Report and Recommendations of United States Magistrate Judge Michael R. Merz (Doc. #3), to whom this case was referred pursuant to 28 U.S.C. § 636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, hereby ADOPTS said Report and Recommendations.

Accordingly, it is hereby ORDERED that the Complaint is dismissed with prejudice and any appeal would be frivolous and may not be taken *in forma pauperis*.

March 31, 2009.



Walter Herbert Rice
United States District Judge